



# **COMMONWEALTH of VIRGINIA**

## **DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **TIDEWATER REGIONAL OFFICE**

Doug Domenech  
Secretary of Natural Resources

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David K. Paylor  
Director

### **Federal Operating Permit Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: MICA Company of Canada, Incorporated  
Facility Name: MICA Company of Canada, Incorporated  
Facility Location: 900 Jefferson Avenue  
Newport News, Virginia 23607

Registration Number: 60208  
Permit Number: TRO-60208

This permit includes the following programs:

**Federally Enforceable Requirements - Clean Air Act (Sections I through IX)**

**State Only Enforceable Requirements (Section X) (OPTIONAL)**

**May 2, 2011**

Effective Date

**May 1, 2016**

Expiration Date

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Acting Regional Director

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Signature Date

Table of Contents, 1 page  
Permit Conditions, 15 pages

## Table of Contents

<b>I.</b>	<b>FACILITY INFORMATION.....</b>	<b>3</b>
<b>II.</b>	<b>EMISSION UNITS.....</b>	<b>4</b>
<b>III.</b>	<b>FUEL BURNING EQUIPMENT REQUIREMENTS – (EMISSION UNIT B1) .....</b>	<b>5</b>
A.	LIMITATIONS .....	5
B.	MONITORING.....	6
C.	RECORDKEEPING.....	6
D.	TESTING .....	6
<b>IV.</b>	<b>PROCESS EQUIPMENT REQUIREMENTS – (EMISSION UNITS C1, CL1, CL2, M1, AND P1-P4) .....</b>	<b>7</b>
A.	LIMITATIONS .....	7
B.	MONITORING.....	8
C.	RECORDKEEPING.....	8
D.	TESTING .....	9
E.	REPORTING.....	9
<b>V.</b>	<b>INSIGNIFICANT EMISSION UNITS.....</b>	<b>10</b>
<b>VI.</b>	<b>PERMIT SHIELD &amp; INAPPLICABLE REQUIREMENTS.....</b>	<b>10</b>
<b>VII.</b>	<b>GENERAL CONDITIONS .....</b>	<b>10</b>
A.	FEDERAL ENFORCEABILITY .....	10
B.	PERMIT EXPIRATION.....	10
C.	RECORDKEEPING AND REPORTING .....	11
D.	ANNUAL COMPLIANCE CERTIFICATION.....	12
E.	PERMIT DEVIATION REPORTING .....	12
F.	FAILURE/MALFUNCTION REPORTING .....	13
G.	SEVERABILITY .....	13
H.	DUTY TO COMPLY .....	13
I.	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.....	13
J.	PERMIT MODIFICATION .....	13
K.	PROPERTY RIGHTS .....	13
L.	DUTY TO SUBMIT INFORMATION .....	13
M.	DUTY TO PAY PERMIT FEES .....	14
N.	FUGITIVE DUST EMISSION STANDARDS.....	14
O.	STARTUP, SHUTDOWN, AND MALFUNCTION.....	14
P.	ALTERNATIVE OPERATING SCENARIOS .....	14
Q.	INSPECTION AND ENTRY REQUIREMENTS.....	15
R.	REOPENING FOR CAUSE .....	15
S.	PERMIT AVAILABILITY .....	15
T.	TRANSFER OF PERMITS.....	15
U.	MALFUNCTION AS AN AFFIRMATIVE DEFENSE.....	16
V.	PERMIT REVOCATION OR TERMINATION FOR CAUSE.....	16
W.	DUTY TO SUPPLEMENT OR CORRECT APPLICATION .....	16
X.	STRATOSPHERIC OZONE PROTECTION .....	17
Y.	ASBESTOS REQUIREMENTS.....	17
Z.	ACCIDENTAL RELEASE PREVENTION.....	17
AA.	CHANGES TO PERMITS FOR EMISSIONS TRADING .....	17
BB.	EMISSIONS TRADING .....	17
<b>VIII.</b>	<b>STATE-ONLY ENFORCEABLE REQUIREMENTS (OPTIONAL) .....</b>	<b>17</b>

## I. Facility Information

Permittee  
Mica Company of Canada, Incorporated  
900 Jefferson Avenue  
Newport News, Virginia 23607

Responsible Official  
Mr. Dana C. Light  
President

Facility  
Mica Company of Canada, Incorporated  
900 Jefferson Avenue  
Newport News, Virginia 23607

Contact Person  
Mr. Dana C. Light  
President  
757-244-7311 Ext. 120  
(Cell) 757-532-2608

**County-Plant Identification Number:** 51-700-00019

**Facility Description:** NAICS 327999 -This facility was constructed during the 1940s. The Mica of Canada facility located in Newport News produces mica products for use as heat-resistant insulating materials in various types of appliances and applications, including transformers. The manufacturing operations at the plant generate air emissions of particulate matter, volatile organic compounds (VOCs), hazardous air pollutants (HAPs), nitrogen oxides (NOx), sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO).

Process Description - The mica manufacturing process begins with the delivery of mica splittings, mica paper, and various solvents and resins. Occasionally, it may be necessary to clean the mica splittings in a cleaning machine by air classification before further processing. The solvents are stored either in fixed storage tanks or solvent drums before they are combined with resins in the mixing room to formulate mica binders. Next the mica splittings, mica paper, and binder formulations are applied on the belts of two (2) continuous lay machines (CL-1 and CL-2). The CLs, which consists of a coating station and drying oven, are operated in parallel and produce mica sheets by combining the binder formulations with the mica splittings (CL-1) and the mica paper (CL-2). Following the CLs, the mica sheets are heat pressed by hydraulic laminating presses. For certain product types, the pressing operation is the final processing step. Other types of mica products are either post-cured in a curing oven or milled (sanded) by a milling machine and painted in accordance with product specifications, as final steps.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>Fuel Burning Equipment</b>							
B1	S1	Iron Fireman Model 301-H-250, 1967 for generation of steam heat used in the CL1 and CL2 curing ovens	9.8 MMBtu/hr	None	N/A	N/A	Unpermitted existing equipment
<b>Process A</b>							
C1	S2	Mica cleaning machine, 1982	173 lbs/hr	Cyclone, Goethel #8	D-1	PM/PM-10	8/24/1998
CL1	1A, 1B, 1C, 1D	Continuous lay machine #1 with curing oven, 1982	215 lbs/hr for both CL1 and CL2	4 cyclones - 2 inside and 2 outside the building	N/A	PM	8/24/1998
CL2	none	Continuous lay machine #2 with curing oven, 1981	215 lbs/hr for both CL1 and CL2	None	N/A	N/A	8/24/1998
P1 - P4	none	Laminating presses, 1981	215 lbs/hr	None	N/A	N/A	8/24/1998
M1	S3	Milling Process (4 machines)	1755 lbs/hr for 4 machines	Dustex Corporation, Model 4338-8-6 TBR	D-2	PM/PM-10	8/24/1998
ST1	none	Solvent storage	5,000 gals	None	N/A	N/A	8/24/1998

\*The Size/Rated capacity [and PCD efficiency] is provided for informational purposes only, and is not an applicable requirement.

P = Press

M = Milling

C = Cleaning

CL = Continuous laying

B = Boiler

D = Pollution control device

ST = Storage tank

S = Stack

### III. Fuel Burning Equipment Requirements - (Emission Unit B1)

#### A. Limitations

1. No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any gaseous products of combustion containing particulate emissions in excess of the following limits:

PM (for boiler - Emission Unit B1)

5.9 lbs/hour

For fuel burning equipment installations with total capacity less than 10 million Btu per hour, the maximum allowable emission ratio shall be 0.6 pounds of particulate per million Btu input.  
(9 VAC 5-40-900 and 9 VAC 5-80-110)

2. No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any sulfur dioxide emissions in excess of the following limits:

SO<sub>2</sub> (for boiler - Emission Unit B1)

25.9 lbs/hour

$S = 2.64 K$  where S equals allowable emissions of SO<sub>2</sub> in units of pounds per hour and K = heat input at total capacity expressed in Btu x 10<sup>6</sup> per hour.

For the boiler (Emission Unit B1), the heat input capacity is 9.8 x 10<sup>6</sup> Btu per hour. Therefore the maximum allowable SO<sub>2</sub> emissions = 2.64 x 9.8 = 25.87 lbs/hour.  
(9 VAC 5-40-930 and 9 VAC 5-80-110)

3. The approved fuels for the boiler (Emission Unit B1) are natural gas and No. 2 distillate oil. A change in the fuels may require a permit to modify and operate.  
(9 VAC 5-80-110)
4. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than twenty (20) percent opacity, except for one six-minute period in any one hour of not more than sixty (60) percent opacity. Failure to meet the requirements of this condition because of the presence of water vapor shall not be a violation of this condition.  
(9 VAC 5-80-110 and 9 VAC 5-40-80)
5. At all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Virginia DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures and inspection of the source.  
(9 VAC 5-80-110, 9 VAC 5-40-20 E, and 9 VAC 5-40-40)

## **B. Monitoring**

1. The permittee shall perform weekly visual observations on the boiler (Emission Unit B1) stack during daylight hours to determine compliance with the opacity standard for the unit. If such visual observations indicate any visible emissions, the permittee shall take corrective actions to eliminate the visible emissions. If such corrective action fails to eliminate the visible emissions, the permittee shall conduct a visible emissions evaluation (VEE) using EPA Method 9 (reference 40 CFR 60, Appendix A) for six (6) minutes. If the six-minute VEE opacity average exceeds fifty (50) percent of the standard, the VEE shall continue for an additional twelve (12) minutes. If any of the six-minute averages during the eighteen (18) minutes exceeds the standard, the VEE shall continue for one hour from initiation on the stack to determine compliance with the twenty (20) percent opacity limit. If a Method 9 evaluation and/or corrective action become necessary, the permittee shall record the details of the incident in a logbook. The logbook shall be kept on site and available for inspection by the DEQ for the most recent five (5) year period.  
(9 VAC 5-80-110 E)

## **C. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
  - a. Records of weekly visual observations performed, visible emissions evaluations (VEE) conducted and any corrective actions taken.
  - b. Records of all fuel types combusted in the boiler (Emission Unit B1).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-40-50 and 9 VAC 5-80-110)

2. The permittee shall maintain records of the required training including a statement of time, place and nature training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler (Emission Unit B1). These procedures shall be based on the manufacturer's recommendations, at a minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.  
(9 VAC 5-80-110)

## **D. Testing**

1. The permitted facility (Emission Unit B1) shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-40-30 and 9 VAC 5-80-110)

- If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ.

The following table is only required for those pollutants that have emission limits.

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO <sub>x</sub>	EPA Method 7
SO <sub>2</sub>	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Methods 5, 17
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

#### IV. Process Equipment Requirements - (Emission Units C1, CL1, CL2, M1, and P1-P4)

##### A. Limitations

- No owner or other person shall cause or permit to be discharged into the atmosphere from any process unit particulate emissions in excess of the limits in Table 4-4A of the regulations. Particulate Emissions (E) shall not exceed 0.795 lbs/hour for Emission Unit C1 and 3.76 lbs/hour for Emission Unit M1, as determined by the following equation:

$$E = 4.10 \times P^{0.67}$$

Where E = the process emission rate in lbs/hour and P = a process weight rate of 0.0865 tons/hour (173 lbs/hour) for Emission Unit C1 and 0.8775 tons/hour (1,755 lbs/hour) for Emission Unit M1.

(9 VAC 5-80-110 and 9 VAC 5-40-260)

- Particulate emissions from the mica cleaning equipment (C1) and the continuous lay machine (CL1) shall be controlled by cyclones. Particulate emissions from the milling machine (M1) shall be controlled by a fabric filter. An annual internal inspection shall be conducted on the cyclones and fabric filter by the permittee to ensure structural integrity. The cyclones and fabric filter shall be provided with adequate access for inspection.  
(9 VAC 5-80-110 and Condition 3 of 8/24/1998 NSR Permit)
- The facility shall consume no more than 179 tons of Volatile Organic Compounds per year as binder solvent, calculated monthly as the sum of each consecutive twelve-month period.  
(9 VAC 5-80-110 and Condition 4 of 8/24/1998 NSR Permit)
- No owner or other person shall use or permit the use of any stationary storage tank for storage of any volatile organic compound unless such tank is equipped with a control method that will remove, destroy or prevent the discharge into the atmosphere of at least sixty (60) percent by weight of volatile organic compound emissions during the filling of such tank.  
(9 VAC 5-80-110, 9 VAC 5-40-3430 A, and 9 VAC 5-40-3440 A.1)
- The annual throughput of raw mica (mica splittings) shall not exceed 1,095 tons, calculated monthly as the sum of each consecutive twelve (12) month period.  
(9 VAC 5-80-110 and Condition 5 of 8/24/1998 NSR Permit)

6. Visible emissions from the cyclones and fabric filter shall not exceed twenty (20) percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-50-80, 9 VAC 5-80-110 and Condition 7 of 8/24/1998 NSR Permit)
7. The opacity standard (visible emission standard) shall apply at all times except during periods of startup, shutdown and malfunction.  
(9 VAC 5-50-20 A and 9 VAC 5-80-110)
8. At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures and inspection of the source.  
(9 VAC 5-50-20 E, 9 VAC 5-50-380, 9 VAC 20-180 A, and 9 VAC 5-80-110)
9. Emissions from the operation of the mica sheet laying process shall not exceed the limits specified below:  

Volatile Organic Compounds	215.0 lbs/hr	179.0 tons/yr	(9 VAC 5-50-260)
Hazardous Air Pollutant Limits, as VOCs:			
Methanol	167.5 lbs/hr	179.0 tons/yr	
Toluene	215.0 lbs/hr	179.0 tons/yr	

Annual emission limits shall be determined monthly, as the sum of each consecutive twelve (12) month period. For these units, emissions are equal to the throughput limits for each VOC and HAP. Compliance with these emission limits is assured by adherence to the throughput limits in Condition IV.A.3.  
(9 VAC 5-80-110 and Condition 6 of 8/24/1998 NSR Permit)

## **B. Monitoring**

1. The permittee shall perform weekly visual observations on the Emission Units C1, CL1, CL2, and M1 during daylight hours to determine compliance with the opacity standard for these units (assuming the emissions unit is operated). If such visual observation indicates any visible emissions, the permittee shall take corrective actions to eliminate the visible emissions. If such corrective action fails to eliminate the visible emissions, the permittee shall conduct a visible emissions evaluation (VEE) using EPA Method 9 (reference 40 CFR 60, Appendix A) for six (6) minutes. If the six-minute VEE opacity average exceeds fifty (50) percent of the standard, the VEE shall continue for an additional twelve (12) minutes. If any of the six-minute averages during the eighteen (18) minutes exceeds the standard, the VEE shall continue for one hour from initiation on the stack to determine compliance with the twenty (20) percent opacity limit. If a Method 9 evaluation and/or corrective action become necessary, the permittee shall record the details of the incident in a logbook. The logbook shall be kept on site and available for inspection by the DEQ for the most recent five (5) year period.  
(9 VAC 5-80-110 E)

## **C. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
  - a. Records of weekly visual observations performed, visible emissions evaluations (VEE) conducted and any corrective actions taken.
  - b. The annual throughput of VOCs (binder solvent), calculated monthly as the sum of each consecutive twelve (12) month period.

- c. The annual throughput for each specific HAP, to demonstrate compliance with Condition IV.A.9, calculated monthly as the sum of each consecutive twelve (12) month period.
- d. The annual consumption of raw mica (mica splittings) calculated monthly as the sum of each consecutive twelve (12) month period.
- e. DEQ-approved pollutant specific emission factors for each emission limitation described in Condition IV.A.1.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110, and Condition 8 of 8/24/1998 NSR Permit)

#### **D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ.

The following table is only required for those pollutants that have emission limits.

<b>Pollutant</b>	<b>Test Method (40 CFR Part 60, Appendix A)</b>
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
NO <sub>x</sub>	EPA Method 7
SO <sub>2</sub>	EPA Method 6
CO	EPA Method 10
PM/PM-10	EPA Methods 5, 17
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

#### **E. Reporting**

1. If for any reason, the permitted facility or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one (1) hour, the owner shall notify the Director, Tidewater Regional Office with four (4) business hours of the occurrence. The portion of the facility which is subject to the provisions of 9 VAC 5-60-60 et seq. (hazardous pollutants) must be shut down safely and expeditiously. In addition, the owner shall provide a written statement, within fourteen calendar (14) days, explaining the problem, corrective action(s) taken and the estimated duration of the breakdown/shut down.  
(9 VAC 5-80-110 F and Condition 11 of 8/24/1998 NSR Permit)

## V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720 C)
B2	Kewanee boiler	9 VAC 5-80-720C	---	3.313 MMBtu/hr
MF1	Mica feed belt system	9 VAC 5-80-720B	PM/PM10	---
PC1	Post-curing oven	9 VAC 5-80-720B	VOC, PM, PM10	---
ST2	Toluene storage tank	9 VAC 5-80-720C	---	3,000 gallons
OV1	Temper oven	9 VAC 5-80-720B	VOC/HAP	---

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified	---	---

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## VII. General Conditions

### A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### B. Permit Expiration

This permit has a fixed term of five (5) years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six (6) months but no earlier than eighteen (18) months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.  
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
  - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
    - (i) Exceedance of emissions limitations or operational restrictions;

- (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
  - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
- (9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3\_APD\_Permits@epa.gov

(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Tidewater Regional Office within four (4) daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within fourteen (14) calendar days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

**F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four (4) daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone, or electronic mail (e-mail) of such failure or malfunction and shall within fourteen (14) calendar days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.  
(9 VAC 5-20-180 C)

**G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)

**H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9 VAC 5-80-110 G.3)

**J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-190 and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

#### **O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

#### **P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

#### **Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
  2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
  3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
  4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (9 VAC 5-80-110 K.2)

#### **R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three (3) years or more. Such reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
  3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
- (9 VAC 5-80-110 L)

#### **S. Permit Availability**

Within five (5) calendar days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within thirty (30) calendar days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within thirty (30) calendar days of the name change and shall comply with the requirements of 9 VAC 5-80-200. (9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the Board of the malfunction within two (2) working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement. (9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations. (9 VAC 5-80-190 C and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit. (9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A-F)

#### **Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

#### **Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

#### **AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

#### **BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.  
(9 VAC 5-80-110 I)

### **VIII. State-Only Enforceable Requirements (Optional)**

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5 Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions
2. 9 VAC 5 Chapter 60, Part II, Article 5: Standards of Performance for Toxic Pollutants  
(9 VAC 5-80-110 N and 9 VAC 5-80-300)